

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re:

**114 TENTH AVENUE ASSOC., INC.,**

Chapter 11  
Case No. 05-60099 (ALG)

Debtor.

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**114 TENTH AVENUE ASSOC., INC.,**

Adv. Pro. No. 08-01347 (ALG)

Plaintiff,

-against-

**KAREN NASON, individually and as Trustee  
Of the KRSTC IRREVOCABLE TRUST, and  
KENNETH N. MILLER,**

Defendants.

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**ORDER DISMISSING ADVERSARY PROCEEDING**

Upon the motion for summary judgment, filed by Gabriel Del Virginia, Esq. on behalf of Defendant Karen Nason seeking the a declaratory judgment in favor of Defendant Nason on the second cause of action of the complaint in the above-captioned adversary proceeding (the “Adversary Proceeding”), with prejudice (the “Motion”); and the Plaintiff-Debtor, 114 Tenth Avenue Assoc. Inc., having withdrawn the first and third causes of action in the Adversary Proceeding, with prejudice pursuant to a stipulation and order of this Court dated, September 25, 2008; and the Debtor having filed papers opposing the Motion; and a hearing having been before this Court and counsel for the parties on February 26, 2009 to consider the Motion (the “Hearing”); and after due deliberation and good and sufficient cause appearing therefore and for the reasons

stated on the record at the Hearing it is hereby

**ORDERED**, that second cause of action, which is the remaining claim in the Adversary Proceeding, be, and it hereby is, dismissed without prejudice; and it is  
**ORDERED**, that the Adversary Proceeding be, and it hereby is, dismissed and closed.

Dated: New York, New York  
March 24, 2009

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*/s/ Allan L. Gropper*  
**HON. ALLAN L. GROPPER**  
**UNITED STATES BANKRUPTCY JUDGE**